

CHAPTER 7 ONE DAY TRIALS

Rule 5.7.1

One Day Trials

A. Time Limit. One day trials may not exceed one court day including time for the judge to review the file, read the trial briefs, and issue a ruling. Cases that exceed the one day time limit may result in a mistrial and be rescheduled as a long cause trial.

B. Calendaring. The court will set one day trials as its calendar permits. Once the court has set a trial date, requests for continuances are disfavored. The court may continue a trial for good cause shown.

C. FSD. See Chapter 9 of these rules for additional information governing trials in FSD.

D. Custody and/or Visitation Issues. If custody or visitation is an issue, the parties must meet with FCS before trial. This meeting must be scheduled sufficiently in advance of trial to allow the counselor to prepare and file a recommendation at least 30 calendar days before the scheduled trial date.

E. Mandatory One Day Trial Statements. Each SRL or their attorney must prepare, file, and serve a trial statement, and if financial matters are at issue, a current Income and Expense Declaration (FL-150). The trial statement must be in the format set forth in Form SDSC D-241, entitled "Settlement Conference Brief/Mandatory Trial Statement" which can be found at www.sdcourt.ca.gov under family law forms. Copies of the trial statement and current Income and Expense Declarations must be served personally on opposing counsel or SRLs no later than 2:00 p.m. two court days before trial. The originals of the trial statement and a current Income and Expense Declaration must be filed with the clerk in the trial department by **3:00 p.m. two court days** before trial. Failure to timely serve and file the trial statement and current Income and Expense Declaration may subject the non-complying party and/or counsel to sanctions. This rule does not apply to long cause OSCs.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2011)